



UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231
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APR -3 2002

Paper No. 7

In re Application of :
David Timperley : DECISION ON PETITION
Application No. 09/369,804 :
Filed: August 6, 1999 :
Attorney Docket No. 2745FBR :

This is a decision on the petition filed on March 7, 2002 by which petitioner requests withdrawal of the holding that this application stands abandoned for failure to file a reply to the Office letter dated January 18, 2001. No fee is required for the petition.

The petition is granted.

Although filed more than two months after mailing of the Notice of Abandonment, this petition is considered to be timely filed because the Notice of Abandonment was not addressed to the correspondence address of record. Petitioner has established this by submitting a copy of a previously filed revocation and power of attorney which included a new correspondence address.


Petitioner alleges that the application was not in fact abandoned because a reply to the Office letter in question had been filed on May 23, 2001, and that the reply was timely filed by reason of a concurrently filed petition for extension of time and the fee for the extension. These allegations are supported by copies of these papers, and by a copy of a postcard receipt for these papers which shows that they were in fact received in the Office on May 23, 2001. It is clear from this evidence that the application was not in fact abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner for the following actions:

1. Charge deposit account 50-1290 in the amount of \$110.00 for a one month extension of time.
2. Entry of the revocation and power of attorney attached to the petition.
3. Entry of the new correspondence address shown in the revocation and power of attorney into the PALM ExPo system.
4. Entry of the amendment filed May 23, 2001 which is attached to the petition.

Thereafter, the application will be returned to the examiner for action on the amendment filed on May 23, 2001.

PETITION GRANTED.


E. Rollins-Cross, Director, Patent
Examining Groups 3710 and 3720

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